

Message Text

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TAGS: ETRD, PFOR, EFIN, EEC

SUBJECT: APRIL 29-30 US/EC CONSULTATIONS--GENERAL PLENARY

DISCUSSIONS AND BILATERAL TRADE ISSUES

1. BEGIN SUMMARY: THE TWELFTH ROUND OF SEMI-ANNUAL US/EC

CONSULTATION

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WAS HELD IN BRUSSELS ON APRIL 29-30. THE CONSULTATIONS WERE FRANK IN TONE AND CLARIFIED US/EC POSITIONS ON A NUMBER OF OUTSTANDING ISSUES.

THE DISCUSSION FOCUSED ON BILATERAL TRADE ISSUES, ESPECIALLY AUTO ANTIDUMPING INVESTIGATIONS, US SOYA EXPORTS, ARTICLE 301 COMPLAINTS AND SPECIALTY STEEL IMPORTS, AND ON COORDINATION FOR UNCTAD IV AND THE

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SECOND PHASE OF THE NORTH/SOUTH DIALOGUE (CIEC), AS WELL AS EXTENSION

OF THE OECD TRADE PLEDGE. THIS MESSAGE REPORTS ON GENERAL PLENARY COMMENTS AND ON BILATERAL TRADE ISSUES. SEPARATE MESSAGES REPORT ON

NORTH/SOUTH RELATIONS, THE AUTO ANTI-DUMPING INVESTIGATIONS AND RESTRICTED DISCUSSIONS OF VARIOUS INTERNATIONAL POLITICAL ISSUES.

END SUMMARY.

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2. PARTICIPANTS: THE SEMI-ANNUAL US/EC CONSULTATIONS WERE HELD IN BRUSSELS ON APRIL 29-30. COMMISSION VICE PRESIDENT SOAMES AND ASSISTANT SECRETARY HARTMAN LED THE PLENARY DISCUSSIONS. HIJZEN, COMMISSION DIRECTOR GENERAL FOR EXTERNAL AFFAIRS, AND AMBASSADOR YEUTTER HEADED UP THE WORKING PARTY DISCUSSIONS ON BILATERAL TRADE ISSUES. WELLERSTEIN, EC CO-CHAIRMAN OF THE CIEC DEVELOPMENT COMMISSION, AND ASSISTANT SECRETARY GREENWALD CHAIRED THE WORKING PARTY ON NORTH/SOUTH RELATIONS. OTHER COMMISSION PARTICIPANTS WERE COMMISSIONERS GUNDELACH AND LARDINOIS; RABOT, AGRICULTURE DIRECTOR GENERAL; WILLIAMS, ENERGY DIRECTOR GENERAL; LOEFF, INDUSTRY DEPUTY DIRECTOR GENERAL; SPAAK OF THE WASHINGTON EC MISSION; DURIEUX, A DIRECTOR FOR DEVELOPMENT; BOYER DE LA GIRODAY, DIRECTOR OF NONETARY AFFAIRS; AND CASPARI, GALLAGHER, MEYNELL, FIELDING, GOODCHILD AND ARCHIBALD OF THE EXTERNAL RELATIONS DIRECTORATE GENERAL, AS WELL AS OTHERS. ON THE US SIDE, OTHER PARTICIPANTS WERE ASSISTANT SECRETARY MACDONALD AND RAY OF TREASURY, DEPUTY UNDER SECRETARY SEGALL OF LABOR, ABBUHL OF COMMERCE, FRASER OF AGRICULTURE, PREEG AND BOERNER OF STATE, AMBASSADOR HINTON AND USEC STAFF.

3. CENTRAL THEMES: COMING IN THE MIDST OF SEVERAL MAJOR TRADE DISPUTES AND JUST BEFORE UNCTAD IV, THE CONSULTATIONS FOCUSED ON BILATERAL TRADE ISSUES AND DEVELOPING A COMMON APPROACH FOR NAIROBI AND THE SECOND PHASE OF THE NORTH/SOUTH DIALOGUE. BOTH PARTIES AGREED ON THE NEED TO DEAL RESPONSIBLY WITH PROTECTIONIST PRESSURES WHILE RECOGNIZING THAT A HEARING HAD TO BE GIVEN TO LEGITIMATE REQUESTS FOR SPECIFIC RELIEF. SOAMES UNDERLINED THE NEED TO MANAGE TRADE ISSUES, ESPECIALLY PENDING US AUTO ANTI-DUMPING INVESTIGATIONS, SO AS TO MINIMIZE DAMAGE TO US/EC RELATIONS. THE US SIDE EMPHASIZED THE IMPORTANCE OF THE TERMINATION AND A SATISFACTORY SOLUTION OF THE SOYBEAN PROBLEMS. THOUGH NEITHER WAS ABLE TO PUT FORWARD DEFINITE POSITIONS, BOTH SIDES INDICATED THEIR PRELIMINARY VIEWS WERE CLOSE ON MAJOR CIEC AND UNCTAD ISSUES AND THEY WOULD CONTINUE TO CONSULT CLOSELY ON THESE MATTERS. ASSISTANT SECRETARY HARTMAN EXPLAINED THE ABSENCE OF DEPUTY SECRETARY ROBINSON WHO REGRETTED INABILITY TO ATTEND. SOAMES NOTED EACH CONSULTATION HAD HELPED INCREASE UNDERSTANDING AND THEREBY STRENGTHENED US/EC RELATIONS.

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4. BILATERAL TRADE ISSUES: ALL AGENDA ITEMS WERE DISCUSSED BY THE BILATERAL TRADE WORKING GROUP, THE PLENARY OR RESTRICTED SESSIONS. THE BULK OF THE TIME WAS SPENT ON NON-FAT DRY MILK, ARTICLE 301 TRADE COMPLAINTS AND US ANTI-DUMPING

PROCEDURES FOR AUTO CASES. THE PLENARY REVIEWED
THE WORKING GROUP RESULTS AND DISCUSSIONS IN BOTH GROUPS ARE
INCLUDED IN THIS REPORT.

5. OECD TRADE PLEDGE: THE COMMISSION (HIJZEN) RAISED IN THE
PLENARY MEETING ITS DESIRE TO EXTEND THE CURRENT OECD TRADE
PLEDGE FOR ANOTHER YEAR. WHILE IT HAD NOT YET CONSULTED
WITH MEMBER STATES, THE COMMISSION STAFF TENTATIVELY PREFERS
NOT TO MODIFY THE TEXT OF THE PLEDGE FOR THE PRESENT BECAUSE
IT FEARS THAT ANY EFFORT TO CHANGE THE TEXT WOULD RUN THE RISK
OF RENEWING OLD DISPUTES WHICH COULD PREVENT THE OECD
FROM REACHING AN AGREEMENT. THE COMMISSION RECOGNIZED THE
CURRENT TEXT IS INADEQUATE AND ITS PROLONGATION WOULD
FACILITATE CLAIMS BY SOME PARTICIPANTS WHICH HAVE TAKEN
RESTRICTIVE MEASURES, SUCH AS AUSTRALIA, THAT THEY ARE
ABIDING BY THE PLEDGE. NEVERTHELESS, ON BALANCE, THE
COMMISSION BELIEVES IT IS POLITICALLY IMPORTANT TO EXTEND
THE PLEDGE WITHOUT CHANGE FOR ONE YEAR AND PERHAPS LOOK
AT IT MORE CLOSELY NEXT YEAR. THE US SAID IT WAS CURRENTLY
CONSIDERING ITS POSITION ON THIS ISSUE, BUT AGREES WITH THE
JUDGEMENT THAT IT WOULD BE POLITICALLY BENEFICIAL TO EXTEND THE
PLEDGE, IN SPITE OF ITS SHORTCOMINGS. THE US VIEWS ARE SIMILAR
TO THOSE OF THE COMMISSION, BUT IT WAS LESS CERTAIN THAT NO
CHANGE IN WORDING IS POSSIBLE. IT EXPECTS TO REACH A DECISION SHORTLY

6. US SOYA EXPORTS: IN THE WORKING GROUP, AMBASSADOR YEUTTER
URGED THE FOLLOWING MEASURES TO HELP RESOLVE THE DISPUTE OVER
THE EC MFDM MIXING REGULATION: (1) EC COMMITMENT TO END THE
PROTEIN CERTIFICATE SYSTEM BY OCTOBER 31; (2) EC MEASURES
TO LIMIT EC PRODUCTION OF NFDM; (3) A LONG-TERM RPT LONG-TERM
SOYBEAN MEAL STORAGE SCHEME LARGER THAN THE COMMISSION HAS NOW
PROPOSED; (4) EC COMPENSATION FOR DAMAGE CAUSED TO US TRADE.
HIJZEN RESPONDED TO THE WORKING GROUP THAT CONTRARY TO WHAT
HE HAD IN ERROR TOLD A REFENT CONGRESSIONAL DELEGATION
(EC BRUSSELS 3933), THE EC COMMITMENT WAS TO TERMINATE THE
SYSTEM ON OCTOBER 31 ONLY IF THEY HAD DISPOSED OF 400,000
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MT OF NFDM. IN ANY CASE, 400,000 MT WAS THE ABSOLUTE
LIMIT. THE EC COULD GIVE NOT DETAILS ON WHAT MEASURES THE COUNCIL
MIGHT ADOPT TO LIMIT DAIRY SURPLUSES BUT STRESSED THAT THE CONCIL
OF MINISTERS HAD ALREADY TAKEN A DECISION TO ADOPT REMEDIAL
LONG-TERM MEASURES THIS JULY. THE EC ALLEGED THAT ITS NFDM FEEDING
SCHEME WILL ONLY HAVE A MARGINAL AND TEMPORARY IMPACT ON US
EXPORTS.

IT
ADDED THAT FINDING SATISFACTORY SOLUTION COULD BE COMPROMISED IF THE
US PRESSED FOR COMPENSATION FOR TRADE DAMAGE INVOLVED. IF
THE US PERSISTED IN THAT POSITION, IT WOULD BE MORE DIFFICULT

TO ARGUE WITHIN THE COMMUNITY FOR MAKING THE MIXING REGULATION A ONE-TIME AFFIAN OR FOR ESTABLISHING A WORKABLE STOCKING SCHEME. THE EC ASKED THAT THE US, INSTEAD, TAKE INTO ACCOUNT ITS NEED TO REDUCE THE COMMUNITY'S NFDM MOUNTAIN. THE EC DID NOT WISH TO TRY TO SOLVE THIS PROBLEM BY DUMPING ITS SURPLUS IN THE WORLD MARKET AND FURTHER DEPRESSING WORLD PRICES. THE COMMISSION THEN ASKED HOW

IMPORTANT THE STORAGE SCHEME WAS TO THE US AND WOULD THE IMPLEMENTATION OF THIS SCHEME BE INFLUENTIAL IN DETERMINING HOW THE US PURSUES THIS CASE IN THE GATT. THE EC ALSO ASKED IF THE US WOULD SEEK COMPENSATION IF TI WAS SHOW THAT THE DAMAGE INVOLVED WAS IMMINENT. THE US REPLIED THAT ITS POSITION DEPENDED ON WHAT THE EC DID ABOUT THE FOUR POINTS MADE BY YEUTTER AND THAT LONG-TERM MEASURES SHOULD BE AT LEAST PARTIAL COMPENSATION. THE GROUP AGREED THAT THE ARTICLE XXIII(1) DISCUSSIONS WOULD CONTINUE IN AN EFFORT TO FIND A SOLUTION.

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7. ARTICLE 301 COMPLAINTS: THE US SUGGESTED THAT THE US AND EC MIGHT DISCUSS EITHER WASHINGTON OR BRUSSELS THE SIX

PENDING COMPLAINTS WHICH INVOLVE THE EC. THE COMMISSION AGREED TO EXCHANGE VIEWS ON MOST OF THE OUTSTANDING COMPLAINTS BUT EXPRESSED SERIOUS CONCERN OVER THE GROWING NUMBER OF THESE COMPLAINTS

AND THE ATTACK ON EC EXPORT SUBSIDIES. HIJZEN SAID THAT THE EC RECOGNIZED THAT THE US LAW EXISTS, BUT IT CONTAINS A DIFFICULT CONCEPT. IT ALLOWS ANY CITIZEN TO OPEN A PROCEDURE BASED ON A COMPLAINT OF "UNFAIRNESS," WHICH IS NOT A CLEAR STANDARD. THE PRESIDENT IS THE JUDGE, AND THOUGH THE EC HAS CONFIDENCE IN HIM, IT DOES NOT UNDERSTAND HOW THE US CAN EXPECT TO BE THE SOLE JUDGE IN INTERNATIONAL QUESTIONS WHICH SO VITALLY AFFECT OTHERS. THE COMMISSION DOUBTED THAT FURTHER DISCUSSION ON THE MINIMUM IMPORT (IMP) AND LICENSING SYSTEM OF PROCESSED FRUITS AND VEGETABLES AND EC EXPORT SUBSIDIES ON BARLEY MALT WOULD BE FRUITFUL. THE EC WAS WILLING TO DISCUSS MIP LEVELS BUT NOT EC RIGHTS TO APPLY THEM.

(A) EGG ALBUMEN: THE EC WAS WILLING TO CONSIDER CHANGING ITS REGULATIONS, BUT NOTED THAT US EGG ALBUMEN EXPORTS TO THE EC WERE RELATIVELY LARGE AND INCREASING. THE EC MIGHT CONSEQUENTLY HAVE DIFFICULTY JUSTIFYING SUCH A CHANGE. THE US REPLIED THAT LIMITED OFFICIAL USE

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AN INCREASE IN TRADE DID NOT MEAN THERE WAS NO UNFAIR PRACTICE INVOLVED. THE EC WAS PREPARED TO CONTINUE CONSULTATIONS ON THIS ISSUE WHEREVER THE US PREFERRED.

(B) SUGAR ADDED TO CANNED FRUITS: THE EC SAID THAT THE LEVY WAS A PART OF ITS GATT TARIFF SCHEDULE AGREED TO BY THE US AND CONSEQUENTLY CAN BE JUSTIFIED INTERNATIONALLY, BUT IT WAS WILLING

TO HOLD CONSULTATIONS ON THE ADMINISTRATION OF THE LEVY. THE US SUGGESTED THE EC MIGHT ADOPT A SCIENTIFIC SAMPLING TECHNIQUE ON WHICH TO BASE ITS LEVY. THE US ALSO WANTED TO DISCUSS HOW THE EC LEVY WAS CALCULATED. THE EC REQUESTED THAT THE US

GIVE IT A NOTE ON PARTICULARS BEFORE CONSULTATIONS.

(C) WHEAT FLOUR: THE US EMPHASIZED THE IMPORTANCE OF THIS CASE AND THE NEED TO DISCUSS IT. THE EC NOTED THAT THE COMPLAINT OVER SUBSIDIES FOR ITS FLOUR EXPORTS CONCERNS ONE OF THE BASIS PRINCIPLES OF THE CAP. THE EC SAID ITS SUBSIDIES HAD NOT AFFECTED US EXPORTS. THE EC IS NOT USING ITS SUBSIDIES TO EXPAND INTO NEW MARKETS, BUT TO HOLD ITS OWN. WORLD FLOUR TRADE IS DIMINISHING BECAUSE OF THE NEW

LDC MILLING CAPACITY. THE US COUNTERED WHAT ITS TRADE WAS BEING DAMAGED AND THIS PROBLEM NEEDED TO BE DISCUSSED. THE EC AGREED TO HOLD TECHNICAL DISCUSSIONS, ESPECIALLY ON THE TRADE IMPACT OF THE SUBSIDIES, BUT NOT ON THE ISSUE OF EC EXPORT SUBSIDIES. THE EC ADDED THAT SOME PL 480 FOOD AID CREDITS MIGHT BE DISCUSSED AT THE SAME TIME.

9. EC REBATE OF VAT ON STEEL: THE COMMISSION ASKED WHETHER IT SHOULD BE AN AMICUS CURIAE IN THE CASE CONSIDERING THE US STEEL COMPLAINT. THE US SAID IT WAS RELUCTANT TO GIVE ADVICE ON THIS MATTER. THE EC INCLINATION WAS NOT TO BE AN AMICUS CURIAE BECAUSE IN PRINCIPLE IT FELT THAT IT SHOULD NOT BECOME INVOLVED IN COURT CASES WITHIN OTHER GOVERNMENTS JURISDICTIONS. THE COMMISSION, HOWEVER, WAS READY TO ASSIST THE USG IN DEFENDING THE CASE IN ANY USEFUL FASHION.

10. FLOAT GLASS COUNTERVAILING DUTIES: THE COMMISSION ASKED IF THE ADDITIONAL INFORMATION PROVIDED BY ITALY WOULD ASSIST THE US IN REVIEWING ITS DETERMINATION THAT ITALIAN SUBSIDIES WERE BEING PAID ON FLOAT GLASS. THE US SAID THE INFORMATION FURNISHED LIMITED OFFICIAL USE

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ON MARCH 26 WAS HELPFUL BUT WAS STILL INCOMPLETE. TREASURY CONSEQUENTLY COULD NOT COMPLETE ITS REVIEW OF THIS CASE UNTIL IT RECEIVED ALL THE INFORMATION WHICH IT HAD REQUESTED.

11. COST ESCALATION INSURANCE SCHEME: THE COMMISSION INFORMED US OF ITS DECISION OF APRIL 29 TO SEND TO THE EC COUNCIL A DRAFT DIRECTIVE CALLING FOR A THREE-YEAR PHASE-OUT OF MEMBER STATE COST ESCALATION SCHEMES. THE COMMISSION CONSEQUENTLY WAS NOW PREPARED TO SUPPORT US EFFORTS TO TAKE UP THIS ISSUE UNDER THE GATT. THE COMMISSION COULD NOT SPECULATE ON HOW THE EC COUNCIL MIGHT REACT TO THIS PROPOSAL. (COMMENT: EC OFFICIALS PRIVATELY SAY THEY DO NOT EXPECT PROMPT COUNCIL ACTION ON THE DIRECTIVE.) COMMISSION OFFICIALS ADDED THAT THEY WERE PERTURBED THAT THE US WANTED TO WORK WITH THE COMMISSION ON THIS EXPORT CREDIT ISSUE BUT NOT ON THE "GENTLEMEN'S AGREEMENT." IT IS DIFFICULT TO BE SYMPATHETIC WITH THE US GOVERNMENT'S PICKING AND CHOOSING SOME ISSUES ON WHICH TO WORK WITH THE COMMISSION BUT DECIDING TO WORK ONLY WITH SELECTED MEMBER STATES ON OTHER ISSUES. THE US SAID IT INTENDED TO WORK CLOSELY WITH THE COMMISSION ON TRADE MATTERS BUT WAS NOT RESPONSIBLE FOR EC MEMBER STATES VIEWS ABOUT THE EXPORT CREDIT ISSUE.

12. EC/EFTA RULES OF ORIGIN: THE US REGISTERED ITS CONTINUING CONCERN

OVER THE RESTRICTIVE IMPACT OF EC/EFTA RULES OF ORIGIN ON US EXPORTS. THE COMMISSION SAID THAT IT WAS ALSO NOT SATISFIED WITH THESE RULES, HAD MADE THREE LIBERALIZING PROPOSALS AND INTENDED TO LIBERALIZE THEM FURTHER. THE EC ASKED FOR SPECIFIC CASES IN WHICH THESE RULES WOULD IMPEDE US TRADE. THE US AID THAT IT ALREADY SUBMITTED 50 SUCH CASES BUT WOULD ENDEAVOR FURTHER TO ILLUSTRATE CONCRETE PROBLEMS.

13. SPECIALTY STEEL: THE US/EC AGREED TO CONTINUE DISCUSSIONS ON THIS ISSUE AT THE CONSULTATIONS SCHEDULED FOR MAY 10-11.

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